


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL LOUIS BRISCO,	)	
ID # 1074236,	)	
Petitioner,	)	
vs.	)	No. 3:04-CV-1241-P
	)	ECF
NATHANIEL QUARTERMAN, Director,	)	
Texas Department of Criminal	)	(C.A. # 07-10659)
Justice, Correctional Institutions Division,	)	
Respondent.	)	

**ORDER GRANTING IN FORMA PAUPERIS AND  
DENYING CERTIFICATE OF APPEALABILITY**

Petitioner has filed two Notices of Appeal and two Applications to Proceed *In Forma Pauperis* in the above captioned action in which the District Court has entered a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254. The Court **DENIES** as **MOOT** the first application and **GRANTS** the second application to proceed *in forma pauperis*. Petitioner may proceed *in forma pauperis* on appeal. Furthermore, considering the record in this case, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the Court hereby **DENIES** petitioner a certificate of appealability. The Court hereby adopts and incorporates by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **April 7, 2007**, that this Court accepted on **April 26, 2007**, in support of its finding that petitioner has failed to “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” See *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)); 28 U.S.C. § 2253(c)(2).

**IT IS SO ORDERED** this 30<sup>th</sup> day of July, 2007.

  
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JORGE A. SOLIS  
UNITED STATES DISTRICT JUDGE